



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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April 16, 1999

Colonel Joe R. Miller
District Engineer
U.S. Army Corps of Engineers
Panama City Regulatory Field Office
475 Harrison Avenue, Suite 202
Panama City, Florida 32401

Attn: Don Hambrick

Re: FWS Log No. 4-P-97-108
Amendment to Biological Opinion
Panama City Beach Nourishment
199701891 (IP-DH)
Bay County, Florida

Dear Colonel Miller:

This letter constitutes an amendment to the April 8, 1998, biological opinion on the offshore dredging and beach nourishment of Gulf of Mexico beaches in Bay County, Florida (permit 199701891 (IP-DH) and modifications). The Fish and Wildlife Service (Service) received your letter dated April 5, 1999, requesting initiation of consultation because the project may extend 14 days into the 1999 sea turtle nesting season. Weather and equipment delays since mid-January have resulted in the loss of 24 days of production extending the scheduled project completion. The work would encompass the area from R-9 (Southfield Street) to the eastern boundary of Camp Helen State Park.

Our review of the proposed project schedule extension indicates that the proposed work area has the highest density of sea turtle nesting along the developed beaches of Bay County. However, since 1991 when monitoring of sea turtle nesting began, the earliest known nest laid in this area was on May 23, 1995. Generally, the "first nest of the season" is laid during the last week in May or the first week in June. The nesting survey begins on May 1 each year. Therefore, we would not anticipate that the project work extended to May 15, 1999, would exceed the level of incidental take that would occur from the original project.

However, to address the work extension area, Term and Conditions 1 and 4 of our April 8, 1998, biological opinion will change. All other Terms and Conditions and Reasonable and Prudent Measures remain in effect for the subject modification. The changes from the original condition are underlined.

Terms and Conditions

1. The western portion of the project area between R-9 (Southfield Street) and the eastern boundary of Camp Helen State Park shall be allowed to be constructed during the 1999 sea turtle nesting season only from May 1 through May 15, 1999. This would protect the highest density of turtle nesting in the project area during the peak nesting period by allowing natural development of the sea turtle nests.

4. Daily early morning surveys shall be required if any portion of the beach nourishment project occurs during the period from May 1 through October 31. Nesting surveys shall be initiated 90 days prior to nourishment activities or by May 1, whichever is later. Nesting surveys shall continue through the end of the project or through September 15, whichever is earlier. Hatching and emerging success monitoring will involve checking nests beyond the completion date of the daily early morning nesting surveys. If nests between R9 (Southfield Street) the eastern boundary of Camp Helen State Park are laid from May 1 through May 15, 1999, in areas where they may be affected by nourishment activities, eggs shall be relocated per the following requirements.

c. Only those nests that may be affected by construction activities within the 90-day window shall be relocated. Nests requiring relocation shall be moved no later than 9 a.m. the morning following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. All relocated nests shall be moved to a suitable beach location between R13 and R22, Bay County, Florida. Any other relocation sites shall be approved by the Fish and Wildlife Service prior to usage. Nest relocations in association with construction activities shall cease when construction activities no longer threaten nests.

If you have any questions, please contact Lorna Patrick of this office at ext. 229.

Sincerely,



Gail A. Carmody
Field Supervisor

cc:

FWS, JAFL, (McPherson)

FDEP, Office of Protected Species, Tallahassee , FL (Trindell)

FDEP, Beaches & Coastal Systems, Tallahassee, FL (Brantley)

RMA, Panama City, FL (Watson)

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